IN THE HIGH COURT OF ANDHRA PRADESH
AT HYDERABAD

W.P.No.5746 of 2001

Between:
P.Rathnayya

..Petitioner

and

1. Divisional Forest Officer
   Wild Life Management Division,
   Eluru, W.G.District. and others.

..Respondents

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.5746 of 2001

Oral Order:

Petitioner filed this writ petition complaining the inaction on the part of the 2nd respondent in registering the crime and investigating on the report sent by him dated 14-04-1999 by post as illegal and arbitrary, and for a consequential direction to the 2nd respondent to investigate into the complaint submitted by him and file a charge sheet.

It is stated that the petitioner attended the 1st respondent's office at Ashok Nagar, Eluru on 12-04-1999; he was called by the 1st respondent at 11.30 A.M. and asked some unnecessary questions for which he suitably replied. When some more unnecessary questions were asked, he raised objections. The officer got annoyed and used all sorts of vulgar words, insulted and humiliated the petitioner in the name of his caste. When the petitioner requested to behave in a polite manner, the officer lost his temper and started shouting against the petitioner, called his attenders and ordered to push out; consequently the attenders caught hold of his shoulders, then he came out and informed about the incident to media people and gave a report dated 14-04-1999 against the 1st respondent to the 2nd respondent requesting the latter to take necessary action, but no action is forthcoming. But curiously on the report given by the 1st respondent under Sections 179, 189, 353, 506 IPC and Section 51(1) of the Wild

Life (Protection) Act, 1972 a case was registered in Cr.No.89 of 1999 against the petitioner and the same was taken on file by the II Additional Judicial First Class Magistrate, Eluru in C.C.No.597 of 2000.

The 3rd respondent filed a counter on behalf of respondents 2 and 3 denying the fact of petitioner making compliant against the 1st respondent on 14-04-199 and the 1st respondent giving compliant against the petitioner on 18-04-1999. In fact, the 1st respondent gave a compliant on 12-04-1999 to the 2nd respondent, who in turn made his endorsement on 13-04-1999, which lead to registration of Cr.No.89 of 1999 against the petitioner on 18-04-1999. It is stated that until registration of the above crime petitioner has not made any compliant against the 1st respondent and only after coming to know of the same, he sent a complaint dated 14-04-1999 to the 2nd respondent. On receipt of the said compliant necessary enquiry was conducted and it reveals that all the allegations levelled by the petitioner against the 2nd respondent are false and frivolous.

In view of the same, it is always open for the petitioner to move the competent court by way of private complaint or if any report is submitted on the complaint made by him, treating the case as false, protest application should be filed. Having regard to the said remedy available to the petitioner, no Mandamus as such can be issued to the respondents to register the case and file charge sheet.

The writ petition fails and it is accordingly dismissed. No costs.

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A.GOPAL REDDY, J.

04-07-2007

Murthy